

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

WAHOOWA, INC., and
SUVAC, INC.,

Plaintiffs,

v.

CIVIL ACTION NO. 3:19-0717

CONSOL OF KENTUCKY, LLC, and
CONSOL ENERGY, INC.,

Defendants/Third Party Plaintiffs/Cross Claimants,

v.

JAMES H. BOOTH,

Third Party Defendant.

SOUTHEASTERN LAND, LLC,

Cross Defendant.

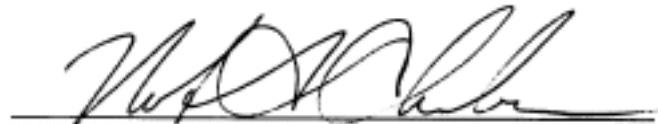
MEMORANDUM OPINION AND ORDER

Pending is Plaintiffs' First Motion to Join and Amend Complaint, ECF No. 52. The proposed amended complaint contains four changes. First, Plaintiffs wish to join CNX Resources Corporation as a defendant. *Id.* ¶ 3–4. Plaintiffs claim that defendant Consol Energy, Inc. changed its name to CNX Resources Corporation, so CNX is liable. *Id.* Second, Plaintiffs wish to add a new cause of action that addresses an alleged breach of a Lease Guarantee Agreement by defendant Consol of Kentucky, LLC. *Id.* ¶ 6. Third, the proposed amended complaint explains more fully Plaintiffs' reasons for asserting the defendants are jointly liable. *Id.* ¶ 7. Fourth, the proposed

amended complaint removes allegations against Southeastern Land, LLC in light of the Court's prior entry of Default Judgment against Southeastern. *Id.* ¶ 9.

Under Federal Rule of Civil Procedure 15(a)(2), Plaintiffs may amend their complaint "only with the opposing party's written consent or the court's leave." A court "should freely give leave" to amend "when justice so requires." The defendants did not oppose Plaintiffs' Motion, and the Court finds no reason to deny it. The Court therefore **GRANTS** the Motion (ECF No. 52) and **DIRECTS** the Clerk to file the proposed amended complaint. The Court further **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

ENTER: March 4, 2020



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE